penalty prescribed for such contravention, not be entitled to a connection until the defects, if any, in such work are removed to the satisfaction of the Commissioner.

Power to supply water without the city.

288. The Commissioner may supply water from a municipal water-work to any local authority or person without the city on such terms as to payment and as to the period and conditions of supply as shall be, either generally or specially, approved by the corporation.

CHAPTER XI.

Regulation of Streets.

Construction, Maintenance and Improvement of Public Streets.

Vesting of public streets in the corporation.

289. (*1*) All streets within the city, being or which at any time become public streets, and the pavements, stones and other materials thereof, shall vest in the corporation and be under the control of the Commissioner.

Powers of Commissioner in respect of public streets.

(*2*) The Commissioner shall from time to time cause all such streets to be levelled, metalled or paved, channelled, altered and repaired, as occasion shall require; he may also from time to time widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered and may place and keep in repair fences and posts for the safety of foot-passengers: Provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed five thousand rupees, shall be undertaken by the Commissioner unless or until such undertaking has been authorized by the corporation.

(*3*) With the sanction of the corporation the Commissioner may permanently close the whole or any part of a public street: Provided that such sanction of the corporation shall not be given unless, one month at least before the meeting at which the matter is decided, a notice signed by the Commissioner has been put up in the street or part of a street which it is proposed to close, informing the residents of the said proposal, nor until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting, have been received and considered by the corporation.

Disposal of land forming site of closed streets.

290. Whenever any public street, or part of a public street, is permanently closed under section 289, the site of such street, or of the portion thereof which has been closed, may be disposed of as land vesting in the corporation.

Power to make new public streets.

291. The Commissioner, when authorized by the corporation in this behalf, may at any time—

(*a*) lay out and make a new public street;

(*b*) agree with any person for the making of a street for public use through the land of such person, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the corporation, and that such street shall become, on completion, a public street.

Saving of provisions of sections 37 and 38, Bombay Act VI of 1879.

292. Nothing in sub-sections (*1*) and (*3*) of section 289 or in the two last preceding sections shall be deemed to affect the provisions of sections 37 and 38 of the [1]Bombay Port Trust Act, 1879.

Bom. Act VI of 1879.

Permission to lay tramways or railways on public streets to need the sanction of the corporation and confirmation by Government.

293. (*1*) Permission shall not be granted to any person to lay or work upon any public street any tramway or railway or the like, by any municipal authority other than the corporation, and no such permission shall have validity unless and until it is confirmed by Government.

(*2*) Nothing in this section shall be deemed to affect the provisions of the [1]Bombay Tramways Act, 1874.

Bom. Act I of 1874.

Minimum width of new public streets.

294. No new public street made under section 291 shall be less than forty feet in width if such street be made for carriage traffic, or twenty feet if such street be made for foot traffic only; and no steps and, except with the written permission of the Commission under section 310, no other projection shall extend on to any such street.

Power to construct or adopt public bridges, etc., over or under railways, etc.

295. The Commissioner, when authorized by the corporation in this behalf, may agree—

(*a*) with any person to adopt and maintain any existing or projected bridge, viaduct or arch, and the approaches thereto, and may accordingly adopt and maintain such bridge, viaduct or arch and approaches as parts of public streets, or as property vesting in the corporation; or

(*b*) for the construction or alteration of any such bridge, viaduct or arch or for the purchase or acquisition of any adjoining land required for the foundation and support thereof or for the approaches

[1] Vol. II of this Code.

thereto, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the corporation.

Power to acquire premises for improvement of public streets.

296. (*1*) The Commissioner may, subject to the provisions of sections 90, 91 and 92—

(*a*) acquire any land required for the purpose of opening, widening, extending or otherwise improving any public street or of making any new public street, and the buildings, if any, standing upon such land;

(*b*) acquire, in addition to the said land and the buildings, if any, standing thereupon, all such land, with the buildings, if any, standing thereupon, as it shall seem expedient for the corporation to acquire outside of the regular line, or of the intended regular line, of such street;

(*c*) lease, sell or otherwise dispose of any land or building purchased under clause (*b*).

(*2*) Any conveyance of land or of a building under clause (*c*) may comprise such conditions as the Commissioner thinks fit, as to the removal of the existing building, the description of new building to be erected, the period within which such new building shall be completed and other such matters.

Preservation of Regular Line in Public Streets.

Prescribing the regular line of a street.

[1] [**297.** (*1*) The Commissioner may—

(*a*) prescribe a line on each side of any public street;

(*b*) from time to time, but subject in each case to his receiving the authority of the corporation in that behalf, prescribe a fresh line in substitution for any line so prescribed, or for any part thereof provided that such authority shall not be accorded—

(*i*) unless, at least one month before the meeting of the corporation at which the matter is decided, public notice of the proposal has been given by the Commissioner by advertisement in local newspapers as well as in the Bombay Government Gazette, and special notice thereof, signed by the Commissioner, has also been put up in the street or part of the street for which such fresh line is proposed to be prescribed, and

[1] This section was substituted by s. 42 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

(*ii*) until the corporation have considered all objections to the said proposal made in writing and delivered at the office of the municipal secretary not less than three clear days before the day of such meeting.

(*2*) The line for the time being prescribed shall be called "the regular line of the street."

(*3*) No person shall construct any portion of any building within the regular line of the street except with the written permission of the Commissioner, who shall, in every case in which he gives such permission, at the same time report his reasons in writing to the standing committee.]

Setting back buildings to regular line of the street.

298. (*1*) If any part of a building abutting on a public street is within the regular line of such street, the Commissioner may, whenever it is proposed—

(*a*) to rebuild such building or to take down such building to an extent exceeding one-half thereof above the ground-level, such half to be measured in cubic feet, or

(*b*) to remove, re-construct or make any addition to any portion of such building which is within the regular line of the street,

in any order which he issues, under section 345 or 346, concerning the re-building, alteration or repair of such building, require such building to be set back to the regular line of the street.

(*2*) When any building, or any part thereof within the regular line of a public street, falls down, or is burnt down or is taken down whether under the provisions of section 351 or 354 or otherwise, the Commissioner may at once take possession on behalf of the corporation of the portion of land within the regular line of the street theretofore occupied by the said building, and, if necessary, clear the same.

(*3*) Land acquired under this section shall thenceforward be deemed a part of the public street and shall vest, as such, in the corporation.

Acquisition of open land or of land occupied by platforms, etc., within the regular line of a street.

299. (*1*) If any land not vesting in the corporation, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building, or if a platform, verandah, step or some other structure external to a building abutting on a public street, or a portion of a platform, verandah, step or other such structure, is within the regular line of such street, the Commissioner may, after giving to the owner of the land or building not less than seven clear days' written notice of his intention so to do, take possession on behalf of the corporation of the said land with its

enclosing wall, hedge or fence, if any, or of the said platform, verandah, step or other such structure as aforesaid, or of the portion of the said platform, verandah, step or other such structure as aforesaid which is within the regular line of the street, and, if necessary, clear the same, and the land so acquired shall thenceforward be deemed a part of the public street :

(2) Provided that when the land or building is vested in [1] [Her Majesty] or in any corporation constituted by Royal Charter or by an Act of Parliament or of the Governor General of India in Council or of the Governor in Council, possession shall not be taken as aforesaid without the previous sanction of Government.

Setting forward of buildings to regular line of the street.

300. (1) If any building which abuts on a public street is in rear of the regular line of such street, the Commissioner may, whenever it is proposed—

(a) to re-build such building, or

(b) to alter or repair such building in any manner that will involve the removal or re-erection of such building, or of the portion thereof which abuts on the said street, to an extent exceeding one-half of such building or portion thereof above the ground-level, such half to be measured in cubic feet,

in any order which he issues, under section 345 or 346, concerning the re-building, alteration or repair of such building, permit or, with the approval of the standing committee, require such building to be set forward to the regular line of the street.

(2) For the purposes of this section, a wall separating any premises from a public street shall be deemed to be a building ; and it shall be deemed to be a sufficient compliance with a permission or requisition to set forward a building to the regular line of a street if a wall of such materials and dimensions as are approved by the Commissioner is erected along the said line.

Compensation to be paid in cases under the three last sections.

301. (1) Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under section 298 or 299 for the value of the said land and for any loss, damage or expense sustained by such owner in consequence of the order made by the Commissioner under either of the said sections.

(2) If, in consequence of any order to set forward a building made by the Commissioner under the last preceding section, the owner of such building sustains any loss or damage, compensation shall be paid to him by the Commissioner for such loss or damage.

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1 The words " Her Majesty " were substituted for the words " the Secretary of State in Council " by s. 5 (*a*) of the City of Bombay Municipal Act (Amendment) Act, 1888 (Bom. 4 of 1888), *infra*.

(*3*) If the additional land which will be included in the premises of any person required or permitted under the last preceding section to set forward a building belongs to the corporation, the order or permission of the Commissioner to set forward the building shall be a sufficient conveyance to the said owner of the said land; and the [1] [price to be paid to the corporation by the said owner for such additional land and the other] terms and conditions of the conveyance shall be set forth in the said order or permission.

(*4*) If, when the Commissioner requires a building to be set forward, the owner of the building is dissatisfied with [2] [the price fixed to be paid to the corporation or any of the other] terms or conditions of the conveyance, the Commissioner shall, upon the application of the said owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for the determination of the Chief Judge of the Small Cause Court, whose decision thereupon shall be conclusive.

Provisions concerning Private Streets.

[3] [**302.** (*1*) Every person who intends—

Notice to be given to Commissioner of intention to lay out lands for building and for private streets.

(*a*) to sell or let on lease any land subject to a covenant or agreement on the part of a purchaser or lessee to erect buildings thereon, or

(*b*) to divide land into building plots, or

(*c*) to use any land or permit the same to be used for building purposes, or

(*d*) to make or lay out a private street, whether it is intended to allow the public a right of passage or access over such street or not,

shall give written notice of his intention to the Commissioner, and shall, along with such notice, submit plans and sections, showing the situation and boundaries of such building land and the site of the private street (if any) and also the situation and boundaries of all other land of such person of which such building land or site forms a part, and the intended development, laying out and plotting of such building land, and also the intended level, direction, and width and means of drainage of such private street and the height and means of drainage and ventilation of the building or buildings proposed to be erected on the land, and, if any building when erected will not abut on a street then already existing or then intended to be made as aforesaid, the means of access from and to such building.

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[1] These words were inserted by s. 9 (*a*) of the City of Bombay Municipal (Amendment) Act, 1921 (Bom. Act 7 of 1921), Vol. V of this Code.

[2] These words were substituted for the words " any of the " by *ibid*.

[3] Sections 302, 302 A, 302 B, 303, and 304 were substituted for sections 302, 303, and 304 by s. 3 of the City of Bombay Municipal (Amendment) Act, 1920 (Bom. Act 5 of 1920), Vol. V of this Code.

(2) Nothing in this section or in sections 302 A, 302-B., 303 or 304 shall be deemed to affect or to dispense with any of the requirements of Chapter XII.]

Commissioner may call for further particulars.

[1] [**302A.** If any notice given under section 302 does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, he may, at any time within thirty days after receipt of the said notice, by written notice require the person who gave the said notice to furnish the required information together with all or any of the following documents, namely—

(*a*) correct plans and sections in duplicate of the proposed private street, which shall be drawn to a horizontal scale of not less than one inch to every twenty feet, and a vertical scale of not less than one and a half inches to ten feet and shall show thereon the level of the present surface of the ground above some known fixed datum near the same, the level and rate of inclination of the intended new street, the level and inclination of the streets with which it is intended to be connected, and the proportions of the width which are proposed to be laid out as carriage-way and foot-way respectively ;

(*b*) a specification with detailed description of the materials to be employed in the construction of the said street and its foot-paths ;

(*c*) a plan showing the intended lines of drainage of such street and of the buildings proposed to be erected and the intended size, depth, and inclination of each drain, and the details of the arrangement proposed for the ventilation of the drains ;

(*d*) a scheme accompanied by plans and section for the laying out into streets, plots and open spaces of the other land of such person or of so much of such other land as the Commissioner shall consider necessary before applying to the standing committee for their approval of the determination of the Commissioner.]

Commissioner may require plans to be prepared by licensed surveyor.

[1] [**302B.** The Commissioner may decline to accept any plan, section or description as sufficient for the purposes of section 302 or section 302A, which does not bear the signature of a licensed surveyor in token of its having been prepared by such surveyor or under his supervision.]

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[1] *See* the third footnote on p. 173, *supra*.

[1] [**303.** (*1*) The laying out of land for building, the level, direction, width and means of drainage of every private street, and the height and means of drainage and ventilation of and access to all buildings to be erected on such land or in either side of such street shall be fixed and determined by the Commissioner with the approval of the standing committee with the general object of securing sanitary conditions, amenity, and convenience in connection with the laying out and use of the land and of any neighbouring lands. Laying out of land, private streets and buildings to be determined by Commissioner.

(*2*) But if, within thirty days after the receipt by the Commissioner of any notice under section 302 or of the plans, sections, description, scheme or further information, if any, called for under section 302 A, the disapproval by the Commissioner with regard to any of the matters aforesaid specified in such notice shall not be communicated to the person who gave the same, the proposals of the said person shall be deemed to have been approved by the Commissioner.]

[1] [**304.** (*1*) No person shall sell, let or use or permit the use of, any land for building, or divide any land into building plots or make or lay out or commence to make or lay out any private street, unless such person has given previous written notice of his intention as provided in section 302, nor until the expiration of sixty days from delivery of such notice, nor otherwise than in accordance with such directions (if any) as may have been fixed and determined under sub-section (*1*) of section 303. Land not to be appropriated for building and private street not to be laid out until expiration of notice nor otherwise than in accordance with Commissioner's directions.

(*2*) If any act be done or permitted in contravention of this section, the Commissioner may by written notice require any person doing or permitting such act on or before such day as shall be specified in such notice by a statement in writing subscribed by him in that behalf and addressed to the Commissioner, to show cause why the laying out, plotting, street or building, contravening this section should not be altered to the satisfaction of the Commissioner, or, if that be in his opinion impracticable, why such street or building should not be demolished or removed or why the land should not be restored to the condition in which it was prior to the execution of the unauthorised work, or shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf, and show cause as aforesaid.

(*3*) If such person shall fail to show cause to the satisfaction of the Commissioner why such street or building should not be so altered, demolished

[1] *See* the third footnote on p. 173, *supra*.

or removed or why such land should not be so restored, the Commissioner may cause the work of alteration, demolition, removal or restoration to be carried out and the expenses thereof shall be paid by the said person.]

Levelling and draining of private streets.

305. If any private street be not levelled, metalled or paved, sewered drained, channelled and lighted to the satisfaction of the Commissioner, he may, with the sanction of the standing committee, by written notice, require the owners of the several premises fronting or adjoining the said street or abutting thereon to level, metal or pave, drain and light the same in such manner as he shall direct.

Power to declare private streets, when sewered, etc., public streets.

306. (*1*) When any private street has been levelled, metalled or paved sewered, drained, channelled and made good to the satisfaction of the Commissioner, he may and, upon the request of the owner or of any of the owners of such street, shall, if lamps, lamp-posts and other apparatus necessary for lighting such street have been provided to his satisfaction, by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street :

(*2*) Provided that no such street shall become a public street if, within one month after such notice has been put up, the owner of such street or of the greater part thereof shall, by notice in writing to the Commissioner, object thereto.

(*3*) Nothing in this section shall be deemed to affect the provisions of sections 37 and 38 of the [1] Bombay Port Trust Act, 1879. Bom. Act VI of 1879.

Applicability of sections 305 and 306 when a street is in part public and in part private.

307. If a portion only of any street is a public street, within the meaning of that term as defined in clause (*x*) of section 3, the other portion of such street may for all purposes of sections 305 and 306 be deemed to be a private street.

Projections and Obstructions.

Prohibition of projections upon streets, etc.

308. (*1*) No person shall erect, set up or place against or in front of any premises any structure or fixture, which will—

(*a*) overhang, jut or project into, or in any way encroach upon, or obstruct the safe or convenient passage of the public along, any street, or

[1] Vol. II of this Code.

(*b*) jut or project into or encroach upon any drain or open channel in any street, so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

Power to require removal of the same.

(*2*) The Commissioner may, by written notice, require the owner or occupier of any premises to remove any structure or fixture which has been erected, set up or placed against, or in front of, the said premises in contravention of this section [1] [or of section 196 of the [2] Bombay Municipal Act, 1872,] or to alter the same in such manner as the Commissioner thinks fit to direct.

Bom. Act III of 1872.

(*3*) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit in account with the owner of the premises for all reasonable expenses incurred by him in complying with the said notice.

Power to require removal or alteration of projections, etc., made, before Bom. Act III of 1872 came into force.

309. (*1*) If any such structure or fixture as is described in the last preceding section has been erected, set up or placed against, or in front of, any premises, at any time before the [2] Bombay Municipal Act, 1872, came into force, the Commissioner may give notice as aforesaid to the owner or occupier of the said premises.

Bom. Act III of 1872.

(*2*) But, if in any such case the structure or fixture shall have been lawfully erected, set up or placed, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Projections over streets may be permitted in certain cases.

310. (*1*) The Commissioner may give a written permission, on such terms as he shall in each case think fit, to the owner or occupier of any building abutting on any street—

(*a*) to erect an arcade over such street or any portion thereof, or

(*b*) to put up a verandah, balcony, sunshade, weather-frame or other such structure or thing projecting from any upper storey over any street or portion thereof :

(*2*) Provided that no permission shall be given by the Commissioner for the erection of an arcade in any public street in which the construction of arcades has not been previously sanctioned by the Corporation.

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[1] These words and figures were inserted by s. 6. of the City of Bombay Municipal Act (Amendment) Act, 1888 (Bom. Act 4 of 1888).

[2] Bom. Act 3 of 1872 was repealed by s. 2 of this Act.

(*3*) The provisions of section 308 shall not be deemed to apply to any arcade, verandah, balcony, sunshade, weather-frame, or other structure or thing erected or put under and in accordance with the terms of a permission granted under this section.

Ground-floor doors, etc., not to open outwards on streets.

311. The Commissioner may at any time, by written notice, require the owner of any premises on the groundfloor of which any door, gate, bar or window opens outwards upon a street, or upon any land required for the improvement of a street, in such manner as, in the opinion of the Commissioner, to obstruct the safe or convenient passage of the public along such street, to have the said door, gate, bar or window altered so as not to open outwards.

Prohibition of structures or fixtures which cause obstruction in streets.

312. (*1*) No person shall, except with the permission of the Commissioner under section 310 or 317, erect or set up any wall, fence, rail, post, step, booth or other structure or fixture in or upon any street or upon or over any open channel, drain, well or tank in any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy, any portion of such street, channel, drain, well or tank.

(*2*) Nothing in this section shall be deemed to apply to any erection or thing to which clause (*c*) of section 322 applies.

Prohibition of deposit, etc., of things in streets.

313. (*1*) No person shall, except with the written permission of the Commissioner,—

(*a*) place or deposit upon any street, or upon any open channel, drain or well in any street, any stall, chair, bench, box, ladder, bale or other thing so as to form an obstruction thereto or encroachment thereon ;

(*b*) project, at a height of less than twelve feet from the surface of the street, any board or shelf, beyond the line of the plinth of any building, over any street, or over any open channel, drain, well or tank in any street ;

(*c*) attach to, or suspend from, any wall or portion of a building abutting on a street, at a less height than aforesaid, anything whatever.

(*2*) Nothing in clause (*a*) applies to building-materials.

Commissioner may, without notice, remove anything erected in contravention of section.

314. The Commissioner may, without notice, cause to be removed—

(*a*) any wall, fence, rail, post, step, booth or other structure or fixture which shall be erected or set up in or upon any street, or upon or over any open channel, drain, well or tank contrary to the provisions of sub-section (*1*) of section 312, after the same comes into force ;

(*b*) any stall, chair, bench, box, ladder, bale, board or shelf, or any other thing whatever placed, deposited, projected, attached or suspended in, upon, from or to any place in contravention of sub-section (*1*) of section 313. 312, after it comes into force or deposited, etc., in contravention of section 313.

315. (*1*) The Commissioner may, by written notice, require the owner or occupier of any premises contiguous to, or in front of, or in connection with which any wall, fence, rail, post, step, booth or other structure or fixture, which it would be unlawful to erect or set up after section 312 comes into force, has been erected or set up before the said section comes into force, to remove the said wall, fence, rail, post, step, stall or other structure or thing. Power to require removal of any structure or fixture erected or set up before section 312 came into force.

(*2*) But, if in any such case the structure or fixture shall have been lawfully erected or set up, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

316. (*1*) No person shall tether any animal, or cause or permit the same to be tethered by any member of his family or household, in any public street. Prohibition of the tethering of animals in the public streets.

(*2*) Any animal tethered as aforesaid may be removed by the Commissioner, or by any municipal officer or servant, and made over to a police officer, or may be removed by a police officer, who shall deal therewith as with an animal found straying.

Temporary Erections on Streets during Festivals.

317. With the concurrence of the Police Commissioner, the Commissioner may grant a written permission for the temporary erection of a booth and any other such structure on any street on occasions of ceremonies and festivals. Commissioner may permit booths, etc., to be erected on streets on festivals.

Provisions concerning Execution of Works in or near to Streets.

318. Whenever the soil or pavement of any street is opened or broken up by or under the order of the Commissioner, or of any municipal officer or servant, for the execution of any work on behalf of the corporation, the work on account of which the same shall have been opened or broken up shall be completed and the soil or pavement filled in, reinstated and made good with all covenient speed; and on completion of the work, the surplus of earth and materials, if any, excavated and all rubbish occasioned thereby shall be removed without delay. Street when broken up for any municipal purpose to be restored without delay.

319. (*1*) The Commissioner may, whilst any such work as aforesaid or any work which may lawfully be executed in any street is in progress, direct that the said street shall be wholly or partially closed for traffic or for traffic of such description as he shall think fit; and shall set up in a conspicuous position an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as he shall think proper for preventing or restricting traffic therein. Commissioner may close street in which work is in progress.

(*2*) No person shall, without the permission of the Commissioner or without other lawful authority, remove any bar, chain or post so fixed or infringe any order prohibiting traffic so set up.

Commissioner to provide for traffic, etc., pending execution of municipal work in any street.

320. Whilst the execution of any work on behalf of the corporation is in progress in any street, the Commissioner shall, so far as may be reasonably practicable, make adequate provision for the passage or diversion of traffic for securing access to all premises approached from such street, and for any drainage, water-supply or means of lighting which may be interrupted by reason of the execution of the said work, and shall pay compensation to any person who sustains special damage by reason of the execution thereof.

Precautions to be taken for the public safety whilst municipal works are in progress in any street.

321. (*1*) Whilst the execution of any work on behalf of the corporation is in progress in any street, the Commissioner shall—

(*a*) take proper precaution for guarding against accident by shoring up and protecting the adjoining buildings;

(*b*) have any place where the soil or pavement has been opened or broken up, fenced and guarded;

(*c*) have a light sufficient for the warning of passengers set up and kept every night against any such place and against any bars, chains or posts set up under section 319, for so long as such place shall be continued open or broken up, or such bars, chains or posts shall remain set up.

(*2*) No person shall, without the written permission of the Commissioner, or without other lawful authority, remove any shoring-timber or fence, or extinguish any light, employed or set up for any of the purposes of this section.

Streets not to be opened or broken up and building materials not to be deposited thereon without permission.

322. (*1*) No person other than the Commissioner or a municipal officer or servant shall, without the written permission of the Commissioner or without other lawful authority,—

(*a*) open, break up, displace, take up or make any alteration in, or cause any injury to, the soil or pavement, or any wall, fence, post, chain or other material or thing forming part of any street; or

(*b*) deposit any building-materials in any street; or

(*c*) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(*2*) Any permission granted under clause (*b*) or clause (*c*) shall be terminable at the discretion of the Commissioner, on his giving not less than twenty-four hours' written notice of the termination thereof to the person to whom such permission was granted.

[1][(*3*) Except in cases in which permission has been applied for under clause (*b*) of sub-section (*1*) for the deposit of building-materials in any street and no reply has been sent to the applicant within seven days from the date of the application, the Commissioner may, without notice, cause to be removed

[1] This sub-section was inserted by s. 3 of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act 6 of 1913), Vol. V of this Code.

any building materials, or any scaffold, or any temporary erection, or any posts, bars, rails, boards or other things by way of enclosure, which have been deposited or set up in any street without the permission or authority specified in sub-section (*1*), or which, having been deposited or set up with such permission or authority, have not been removed within the period specified in the notice issued under sub-section (*2*).]

Precautions for public safety to be taken by persons to whom permission is granted under section 322.

323. Every person to whom any permission is granted under section 322 shall, at his own expense, cause the place where the soil or pavement has been opened or broken up or where he has deposited building-materials or set up any scaffold, erection or other thing, to be properly fenced and guarded, and, in all cases in which the same is necessary to prevent accidents, shall cause such place to be well lighted during the night.

Persons to whom permission is granted under section 322 must reinstate streets, etc.

324. (*1*) Every person to whom permission is granted under section 322 to open or break up the soil or pavement of any street, or who, under other lawful authority, opens or breaks up the soil or pavement of any street, shall with all convenient speed complete the work for which the same shall be opened or broken up, and fill in the ground and reinstate and make good the street or pavement so opened or broken up without delay, to the satisfaction of the Commissioner.

(*2*) If the said person shall fail to reinstate and make good the street or pavement as aforesaid, the Commissioner may restore such street or pavement, and the expenses incurred by the Commissioner in so doing shall be paid by the said person.

Provisions to be made by persons to whom permission is granted under section 322 for traffic, etc., when their works interrupt streets.

325. The Commissioner may, by written notice, require any person to whom permission is granted under section 322 to open or break up the soil or pavement of any street, or who, under any other lawful authority, opens or breaks up the soil or pavement of any street, for the purpose of executing any work, to make provision to his satisfaction for the passage or diversion of traffic, for securing access to the premises approached from such street and for any drainage, water-supply or means of lighting which may be interrupted by reason of the execution of the said work.

Hoards to be set up during work on any building adjacent to a street.

326. (*1*) No person who proposes to build, take down or re-build any building or wall, or to alter or repair any part of any building or wall, shall, in any case in which the footway in any adjacent street will be thereby obstructed or rendered less convenient, commence doing so, without first having caused to be put up a proper and sufficient hoard or fence, with a convenient platform and hand-rail, if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

(*2*) No hoard or fence shall be so put up without the previous written permission of the Commissioner, and every such hoard or fence put up with such permission, with such platform and hand-rail as aforesaid, shall be continued standing and maintained in good condition to the satisfaction of the

Commissioner, by the person who carries on the work, during such time as may be necessary for the public safety and convenience; and, in all cases in which the same is necessary to prevent accidents, the said person shall cause such hoard or fence to be well lighted during the night.

(*3*) The Commissioner may, by written notice, require the person aforesaid to remove any hoard or fence so put up.

Naming of Streets, etc.

Naming streets, and numbering of houses.

327. (*1*) The Commissioner may, from time to time,—

(*a*) with the sanction of the corporation, determine the name by which any street shall be known;

(*b*) cause to be put up or painted on a conspicuous part of any house at or near each end, corner or entrance to every street, the name of such street as so determined;

[1] [(*c*) with the sanction of the corporation determine the number by which any premises shall be known;

(*d*) by written notice require the owner of any premises, either to put up or paint a number on such premises in such position and manner as may be specified in such notice, or to signify in writing his desire that the work shall be executed under the orders of the Commissioner]

(*2*) No person shall, without the written permission of the Commissioner or without other lawful authority, destroy, remove, deface or in any way injure any such name or number, or put up or paint any name or number different from that put up or painted by order of the Commissioner.

[2] [(*3*) Where a number is put up or painted on any premises under the orders of the Commissioner in accordance with clause (*d*) of sub-section (*1*), the expenses of such work shall be payable by the owner of the premises:

Provided that the maximum rate of charge for such work shall be fixed by the Commissioner with the previous sanction of the corporation.]

[3] [*"Sky-signs and Advertisements.*]

Regulations as to sky-signs.

[3] [**328.** (*1*) No person shall, without the written permission of the Commissioner, erect, fix or retain any sky-sign, whether now existing or not, and no such written permission shall be granted, or renewed, for any period exceeding two years from the date of each such permission or renewal:

Provided that in any of the following cases a written permission or renewal by the Commissioner under this section shall become void, namely:—

(*a*) if any addition to the sky-sign be made except for the purpose of making it secure under the direction of the municipal executive engineer;

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[1] Clauses (*c*) and (*d*) were substituted for the original clause (*c*) by s. 10 (*1*) of the City of Bombay Municipal (Amendment) Act (Bom. Act 2 of 1911), Vol. V of this Code.

[2] This sub-section was added by s. 10 (*2*) *ibid.*

[3] The heading and sections 328 and 328-A., were substituted for s. 328 and the heading thereto by s. 10 of the City of Bombay Municipal (Amendment) Act, 1921 (Bom. Act 7 of 1921), Vol. V of this Code.

(*b*) if any change be made in the sky-sign, or any part thereof ;

(*c*) if the sky-sign or any part thereof fall either through accident, decay or any other cause ;

(*d*) if any addition or alteration be made to, or in, the building or structure upon or over which the sky-sign is erected, fixed or retained, if such addition or alteration involves the disturbance of the sky-sign or any part there f ;

(*e*) if the building or structure upon or over which the sky-sign is erected, fixed or retained become unoccupied or be demolished or destroyed.

(*2*) Where any sky-sign shall be erected, fixed or retained after the enactment of this section upon or over any land, building or structure, save and except as permitted as hereinbefore provided, the owner or person in occupation of such land, building or structure shall be deemed to be the person who has erected, fixed or retained such sky-sign in contravention of the provisions of this section, unless he proves that such contravention was committed by a person not in his employment or under his control, or was committed without his connivance.

(*3*) If any sky-sign be erected, fixed or retained contrary to the provisions of this section, or after permission for the erection, fixing or retention thereof for any period shall have expired or become void, the Commissioner may, by written notice, require the owner or occupier of the land, building or structure, upon or over which the sky-sign is erected, fixed or retained, to take down and remove such sky-sign.

The expression 'sky-sign' shall in this section mean any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction, supported on or attached to any post, pole, standard framework or other support wholly or in part upon or over any land, building or structure which, or any part of which sky-sign, shall be visible against the sky from some point in any street and includes all and every part of any such post, pole, standard, framework or other support. The expression 'sky-sign' shall also include any balloon, parachute or other similar device employed wholly or in part for the purposes of any advertisement, announcement or direction upon or over any land, building or structure or upon or over any street, but shall not include—

(*a*) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement, announcement or direction ;

(*b*) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof :

Provided that such board, frame or other contrivance be of one continuous face and not open work, and do not extend in height more than three feet above any part of the wall, or parapet or ridge to, against, or on which it is fixed or supported ;

(*c*) any word, letter, model, sign, device or representation as aforesaid, relating exclusively to the business of a railway company, and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway company, and so placed that it cannot fall into any street or public place ;

(*d*) any notice of land or buildings to be sold, or let, placed upon such lond or buildings.]

Regulation and control of advertisements.

[1] **[328A.** (*1*) No person shall, without the written permission of the Commissioner, erect, exhibit, fix or retain any advertisement whether now existing or not, upon any land, building, wall, hoarding or structure :

Provided always that such permission shall not be necessary in respect of any advertisement which is not an illuminated advertisement nor a sky-sign and which—

(*a*) is exhibited within the window of any building ;

(*b*) relates to the trade or business carried on within the land or building upon which such advertisement is exhibited, or to any sale or letting of such land or building or any effects therein, or to any sale, entertainment or meeting to be held upon or in the same ;

(*c*) relates to the business of any railway company ;

(*d*) is exhibited within any railway station or upon any wall or other property of a railway company, except any portion of the surface of such wall or property fronting any street :

Provided also that such permission shall not be necessary for a period of five years after the enactment of this section in respect of advertisements upon a site which was occupied by advertisements on the first day of the month of September one thousand nine hundred and nineteen.

(*2*) Where any advertisement shall be erected, exhibited, fixed or retained after three months from the enactment of this section upon any land, building, wall, hoarding or structure save and except as permitted or exempted from permission as hereinbefore provided, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in contravention of the provisions of this section, unless he proves that such contravention was committed by a person not in his employment or under his control, or was committed without his connivance.

(*3*) If any advertisement be erected, exhibited fixed or retained contrary to the provisions of this section after the written permission for the erection, exhibition, fixing or retention thereof for any period shall have expired or become void, the Commissioner may, by notice in writing, require the owner or occupier of the land, building, wall, hoarding or structure upon which the same is erected, exhibited, fixed or retained, to take down or remove such advertisement.

(*4*) The word ' structure ' in this section shall include any movable board on wheels used primarily as an advertisement or an advertising medium.]

Dangerous Places.

Commissioner to take proceedings for repairing or enclosing dangerous places.

329. (*1*) If any place is, in the opinion of the Commissioner, from want of sufficient repair, protection or enclosure, or owing to some work being carried on thereupon, dangerous to passengers along a street, or to persons, other than the owner or occupier of the said place, who have legal access thereto or to the neighbourhood thereof, he may, by notice in writing, require the owner or occupier thereof to repair, protect or enclose the said place or take such other step as shall appear to the Commissioner necessary, in order to prevent danger therefrom.

[1] *See* footnote 3 on p. 182, *supra*.

(2) The Commissioner may, before giving any such notice or before the period of any such notice has expired, take such temporary measures as he thinks fit to prevent danger from the said place. Any expense incurred by the Commissioner in taking such temporary measures shall be paid by the owner or occupier of the place to which the said notice refers.

Lighting of Streets.

330. The Commissioner shall—

(*a*) take measures for lighting in a suitable manner the public streets and municipal markets and all buildings vesting in the corporation; and Public streets to be lighted.

(*b*) procure, erect and maintain such a number of lamps, lamp-posts and other appurtenances as may be necessary for the said purpose ; and

(*c*) cause such lamps to be lighted by means of oil, gas, electricity or such other light as the corporation shall from time to time determine ;

and may—

(*d*) place and maintain electric wires for the purpose of lighting such lamps under, over, along or across, and posts, poles, standards, stays, struts, brackets, and other contrivances for carrying, suspending or supporting lamps or electric wires in or upon, any immoveable property, without being liable to any claim for compensation thereanent :

Provided that such wires, posts, poles, standards, stays, struts, brackets and other contrivances shall be so placed as to occasion the least practicable inconvenience or nuisance to any person. Prohibition of removal, etc., of lamps.

331. No person shall, without lawful authority, take away or wilfully break, throw down or damage—

(*a*) any lamp, lamp-post or lamp-iron set up in any public street or in any municipal market or building vesting in the corporation ;

(*b*) any electric wire for lighting any such lamp ;

(*c*) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any such electric wire or lamp ;

and no person shall wilfully extinguish the light or damage any appurtenance of any such lamp.

332. If any person shall, through negligence or accident, break any lamp set up in any public street or municipal market or building vesting in the corporation, he shall pay the expenses of repairing the damage so done by him. Persons accidentally breaking lamp to repair the damage.

333. (*1*) No gas-pipe shall be laid in a drain or on the surface of an open channel or house-gully. Manner of laying gas-pipes.

(*2*) Gas-pipes shall be laid at the greatest practicable distance from water-pipes, having regard to the width of the street. Where the width of the street will allow of it, the said distance shall not be less than four feet.

(*3*) When it is necessary for a gas pipe to cross a water-pipe, the gas-pipe shall, if practicable, be laid above the water-pipe. A gas-pipe so laid shall be at least nine feet in length and, as nearly as the situation will admit of, shall be so placed as to form with the water-pipe a right angle and so that no joint in the gas-pipe will be nearer to any water-pipe than four feet. The greatest practicable distance shall be kept between a water-pipe and a gas-pipe which crosses it, and the gas-pipe shall, throughout its entire length, be sufficiently bedded in with good sound clay or other fit material of a proper consistence, which shall be well worked and rammed into a trench all round the gas-pipe.

(*4*) If any gas-pipe be laid in any way contrary to the provisions of this section, the Commissioner may make such alteration with respect to such pipe as he shall think necessary, and the expenses thereof shall be paid by the person under whose order or management the pipe has been laid.

Situation of gas-pipes, etc., may be altered by Commissioner.

334. (*1*) The Commissioner may, whenever for any of the purposes of this Act it shall appear to him necessary, by written notice, require the owner of any gas-pipe or of any other gas-work laid in any street to raise, sink or otherwise alter the situation of such pipe or work.

(*2*) Every alteration required to be made under sub-section (*1*) shall be made at the charge of the municipal fund, and compensation shall be paid to the owner by the Commissioner for the damage, if any, which he sustains by reason of such alteration:

(*3*) Provided that no such alteration shall be made which will prevent gas passing through any pipe or work as freely and conveniently as, having regard to all the requirements of this Act, is practicable.

Buildings, etc., not to be erected without permission over municipal gas-pipes.

335. (*1*) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or railway shall be constructed over any gas-pipe belonging to the corporation.

(*2*) If any building, wall or other structure be so erected, or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, cause he same to be removed or otherwise dealt with as to the Commissioner shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

Watering of Streets.

Measures for watering.

336. The Commissioner may—

(*a*) take measures for having the public streets watered at such time and seasons and in such manner as he shall think fit;

(*b*) procure and maintain such water-carts, animals, and apparatus as he shall think fit for the said purpose.